

Management Board minutes

Monday 20 October 2014

Members and other attendees present

Ailsa Beaton	Non-executive Director
Simon Entwisle	Deputy Chief Executive Officer
Christopher Graham	Information Commissioner (chair)
Andrew Hind	Non-executive Director
David Smith	Deputy Commissioner Data Protection
Graham Smith	Deputy Commissioner Freedom of Information
Ian Watmore	Non-executive Director
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)

1. Introductions and apologies

- 1.1. There were apologies from Enid Rowlands who was unable to attend the meeting.

2. Declaration of interests

- 2.1. There were no declarations of interest.

3. Matters arising from the meeting of 28 April

- 3.1. The minutes of the previous meeting had been agreed in correspondence. There was one amendment identified as being needed.
- 3.2. In respect of the action points there was discussion on the amount of information presented to the Board to justify their being cleared. At present the cleared status was simply indicated by shading the action green. There were concerns that there was no explanation as to how the action had actually been cleared.

- 3.3. In general it was considered that there was the opportunity to question the clearance of any particular action but that it would be helpful, where appropriate, for the Executive to give an oral explanation as to how each action had been cleared.
- 3.4. It was agreed that Ian Watmore would write to the Permanent Secretary at the Ministry of Justice (MOJ) on behalf of the Non-executive Directors about the recruitment of the new Commissioner.

4. Commissioner's forward look

- 4.1. The Commissioner had reported on the major issues affecting the ICO at the Strategy Day earlier in the month. Additional issues that had arisen since then included a key agreement to improve international enforcement cooperation having been ratified at the recent International Conference of Data Protection and Privacy Commissioners.
- 4.2. In addition the ICO has helped establish a new network of Commonwealth privacy regulators to promote cross-border co-operation and build capacity for effective data protection. The Common Thread Network, as it is to be known, will enable the sharing of experience, knowledge and expertise across Commonwealth nations, tackling critical issues such as the growth in use of the internet, international data transfers and the cloud.
- 4.3. The ICO was also shortly hosting a seminar for regulators in countries new to Freedom of Information.

5. Triennial review

- 5.1. The Commissioner updated the Board on the triennial review of the ICO by the Ministry of Justice (MOJ). The MOJ review team had already met ICO staff and were keen on meeting the Non-executive Directors and the regional Assistant Commissioners. They were also attending a Leadership Group workshop on 3 November.

Action point 1: Simon Entwisle to arrange meetings between the review team and the Non-executive Directors.

- 5.2. Christopher Graham and Simon Entwisle were meeting with the Minister of State, Simon Hughes, on Wednesday to discuss the way forward.

- 5.3. It was confirmed that there would be a public consultation on the results of the review.
- 5.4. Specific issues that would be discussed during the review included:
 - 5.4.1. whether or not there should be a commission rather than a commissioner, as suggested in the Leveson Report;
 - 5.4.2. whether or not the Commissioner should become an officer of Parliament; and
 - 5.4.3. the continued combining of the roles of data protection and freedom of information regulator.
- 5.5. There was detailed discussion of the three issues and it was agreed that a summary of the issues would be useful.

Action point 2: Simon Entwisle to develop a summary of the three issues and circulate it to members.

6. Follow up from the Management Board Strategy day

- 6.1. It was agreed to not discuss the results of the recent Management Board strategy day pending further discussion at Executive Team level.

7. Remuneration Committee and Leadership Group terms of reference

- 7.1. Changes to the Remuneration Committee and Leadership Group terms of reference were presented for agreement.
- 7.2. Changes to the Remuneration Committee terms of reference reflected that:
 - 7.2.1. the ICO does not now need the permission of the Secretary of State to change staff pay and terms and conditions; it just needed to consult (and follow Treasury guidance);
 - 7.2.2. the Committee report should be so timed as to allow time for it to feed into the ICO's annual report; and
 - 7.2.3. the terms of reference needed to reflect that committee minutes were now brought to the subsequent Management Board meeting for information.
- 7.3. The changes in the Remuneration Committee terms of reference were agreed subject to minor amendments.

Leadership Group

- 7.4. The proposed changes to the Leadership Group terms of reference clarified that if the Group met in the absence of the Commissioner any decisions made would be ratified at the next Executive Team meeting. This reflected the fact that the Executive Team was also not quorate without the Commissioner.
- 7.5. The change was agreed.

8. Performance against the ICO Plan

- 8.1. Performance against the ICO Plan 2014-2017 was considered. Simon Entwisle advised that the ICO had had to seek approval from the Cabinet Office for extra expenditure on the development of the new website. The approval had not as yet been given. In the meantime expenditure was ongoing. It was also noted that there would need to be further expenditure once the new website was up and running to provide all of the wanted functionality.
- 8.2. Graham Smith stated that the action to develop information rights training material for use by other organisations (1.4) was no longer appropriate. The ICO is now a recognised BCS trainer and had in consequence focused on its own staff training.
- 8.3. There was discussion of the work on introducing privacy seals (1.9). The Non-executive Directors had received a briefing on the project prior to the Board meeting and had further questions to ask about aspects of the work. They also wondered whether they should have been involved earlier in the development of the project.

Action point 3: David Smith to provide Non-executive Directors with background documentation for the privacy seal project.

Action point 4: David Smith to arrange a further meeting with the project team and the Non-Executive Directors.

9. Finances

- 9.1. Simon Entwisle presented the finance report for August. At the time the papers had been collated the September figures had not been considered by the Finance Steering Group.

- 9.2. There was the risk of an underspend, partly because of an increase in notification fee income collected. The MOJ would be advised of the possible underspend.

10. Issues reports

- 10.1. Reports from across the office were considered. Points noted included:
- 10.1.1. the successful changes made in the registration service with objectives being met and a reduction in running costs;
 - 10.1.2. implementation of the European Directive on re-use of public sector information (PSI) directive; and
 - 10.1.3. the improvement in sickness absence and staff turnover.
- 10.2. A revised pay remit was to be sent to the MOJ and Treasury later this week.
- 10.3. It was confirmed that a decision had been made to go ahead with the procurement of the new Finance system.

11. Executive Team meetings

- 11.1. The minutes of Executive Team meetings since the last meeting were presented for information.

12. Any other business

- 12.1. Christopher Graham advised the Board of a forthcoming review by the MOJ of senior remuneration across the department.